



CONTENTS

1. LETTER FROM THE PRESIDENT

2. COMMITTEE REPORT: DIGITAL

3. WESTERN AGENT EXPLORES
INDIAN LITERARY FESTIVAL
UPCOMING AAR PROGRAMS

5. PUBLISHER-NEUTRAL
WEBSITES CREATE MORE
OPPORTUNITIES FOR
ENGAGEMENT

COMMITTEE REPORT: ROYALTIES

9. APPEALS COURT REDEFINES
WHEN INTERNS MUST BE PAID

10. COMMITTEE REPORT:
INTERNATIONAL

11. NEW MEMBERS

13. CONTRIBUTORS

14. AAR CANON OF ETHICS

16. BOARD OF DIRECTORS

LETTER FROM THE PRESIDENT

THE ANNUAL AAR COCKTAIL PARTY at the Century Association club in September was a terrific success. We had strong attendance, and there was a great feeling of goodwill, collaboration, and friendship among the attendees. It was especially fitting that we honored Jeff Wilson, the head of the contracts department at Simon & Schuster, for his great collegueship, sensitivity to agents' needs, kindness in negotiations, and general professionalism. Many AAR members met Jeff for the first time at the party, and it was a rewarding experience both for him and for us on a personal and professional level.

This all brought home to me the fact that publishing is really a business about *people*. Although we constantly talk about numbers – copies sold, royalty rates, e-book shares, discounts, dollars earned – the heart and soul of our business is *people*: idiosyncratic, individual personalities whose opinions and actions propel things forward. The authors of our books are creative *people*; the editors who manage our publications are *people* whom we hope will make more inspired decisions; the bookstore owners and clerks are *people* who can hand-sell and relay their enthusiasm; the readers throughout the world are *people* with a range of interests, who create word of mouth and make personal decisions on when to buy a book and what books to buy.

One of the biggest challenges we face – almost as big as finding

a publisher for that elusive but wonderful manuscript – is managing the personal side of our client relationships.

We all know that clients come in all sizes and styles: the Wheedlers, who won't accept that they can't get more money just because they want it, or a big promotion effort because the book "deserves" it; the Talkers, who seem full of anxiety and must discuss every angle of every issue for two hours when a simple rundown would do – you must manage to excuse yourself from the phone or you might arrive at a Passover seder an hour-and-a-half late; the Self-Taught, who know your job better than you do, who know exactly what you or the publisher should be doing at every turn; the Defiant, who know that none of the existing rules or conventions relate to them, and won't listen to a tempered answer; and the Passive-Aggressive, who admit that it is Christmastime, but by the way did we manage to take a look at the manuscript that he delivered on December 23rd? These anecdotes would make for endlessly amusing dinner-party conversation, except for the fact that these stories are so painfully true. We are constantly reminded that we are in a service business, albeit one in which our knowledge and honed taste are our greatest assets.

It is not easy to blend the *art* of the work with the *commerce* of the work. The financial rewards rarely jive with the reviews, and this is

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not easy for clients to absorb. Our writers put themselves on the line every day and approach us – their closest partners in the publishing process – with their weaknesses. The more years of experience I have, the more empathy I have to deal with the naïveté, ambition, and dreams of my clients, as we live through rejections together. We discuss why a book has not been snapped up by a brilliant editor. When I have bad news to deliver, I try to be direct.

But the big issue these days is how to manage outsized expectations. How do we manage to relay the truth and still support the clients with strength and (reasonable) optimism?

Not all manuscripts will be sold, in this difficult market. Period. Even books that the very powerful agent may adore. There are simply not unlimited slots on publishers' lists and there seem to be limitless projects in circulation. We rejoice when we manage to place a book that has been read by 20 houses, even if it means a low- or no-advance contract. And sometimes we have to broach the subject that perhaps the writer's best bet might be to move on to a brand-new project, put this one aside for now. A weak publication is not going to help that writer in future submissions – those low numbers will trail him for a long time.

The advances are often down, as the buying public is simply not buying in big numbers, and the author's next book's prospects are based on the previous book's numbers. And no, we usually cannot get a contractual promise of promotion and publicity for the next book. It is tough to comfort authors who feel themselves locked in that

inescapable purgatory of “midlist.”

Most of us, agents and editors, have become quite slow in our responses. Demands on our reading time are at an all-time high, and no one has invented that 28-hour clock. And even if we *loved* all the books on our reading pile this weekend, we simply cannot take them all up, or arrange for each of them to be a lead book at a major publisher.

The traditional process has changed for most writers. Forget tours, forget print advertising; and most books won't even show up on the shelves of many bookstores. We are often the bearer of this news, and have to persuade our clients to take on much of what they will say used to be the publisher's job – get powerful blurbs, publish essays, build a website, engage in social media.

Clearly our job is to get the best results for our clients, but we must maintain an honorable and trustworthy reputation with editors and publishing houses. We may balk, for example, when a client who has been treated very well by a loyal editor asks us to secretly shop around a new project they cooked up together, to make sure he gets the best price.

We are constantly battling the fact that the Internet is teaching



the man on the street that he can find a lot of interesting stuff to read by Googling actively, and much of this stuff is absolutely free... and that the largest book retailers aggressively advertise their low, low prices, as if to tell the consumer that books should cost very little. Remember, currently our biggest challenge is to keep the value of our intellectual property high. Perhaps our client is only interested in the success of his own book – but the larger forces have created a situation which will continue increasingly to

COMMITTEE REPORT: DIGITAL

The digital committee, now known as the 'digital innovations committee,' will continue to focus on what it has been doing successfully: meeting with and assessing new publishing ventures and reporting innovative businesses of value to the membership, usually in the form of programs (like the recent panel of subscription-model publishing ventures.) Upcoming will be toolboxes with digital original publishers and a “best practices” panel on the various forms of social media.

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affect us all as time goes on.

We must spread the word: we all need to support the marketplace. We need to buy other writers' books, blog about them, tweet about them, support our colleagues' work, and then hopefully they will support ours. We need to help our clients take some of the business of spreading the word into their

own hands. And I feel we will be stronger if we are allied, not primarily adversarial, with the traditional publishers who take on our clients' properties.

Our clients may secretly believe that their own manuscripts are immune to the market forces of doom and gloom, but we continue to help them through their darker

moments, when success seems elusive, when positive news seems so hard to achieve. I do have faith in the future of this business and I still encourage young people to go into publishing. I think there will always be readers. And Lord knows, there will always be writers.

– Gail Hochman

WESTERN AGENT EXPLORES INDIAN LITERARY FESTIVAL

BY ZOË PAGNAMENTA

EVER SINCE my brother Robin, a journalist, and my sister-in-law, Jessica Woollard, a fellow literary agent, moved to India from London a few years ago, I had been thinking of going to the Jaipur Literature Festival. As it turned out, three of my writers were invited to participate in this year's JLF, so this January, after a week visiting my brother and family in Mumbai and escaping the New York winter, the three of us took a flight to Jaipur and the festival.

Self-described as “the world's largest free literary festival,” JLF takes place in late January every year, in Jaipur, the capital of Rajasthan, in the northwestern part of India. The weather is pleasant during the day, but scarves and shawls sell well at the artisan craft stalls around the event tents, as it can get quite chilly in the desert city in the evenings.

The festival runs for five days, from a Wednesday to a Sunday, and the schedule is packed. It's really a terrific

event, very much a celebration of Indian writing and writers, but with a number of visiting writers invited from other parts of the world. The directors of the festival are Namita Gokhale and William Dalrymple, and the festival is now in its tenth year. Sanjoy Roy, who now organizes various other literary festivals around South Asia, produces it. The festival had almost a quarter of a million visitors this year, though when it began back in 2005 there were apparently fewer than 20 people!

I was very impressed by how intelligently the program was curated – there were events happening almost every hour from 10 AM to 6 PM in six sponsored tents, from the Rajnigandha Front Lawns and the Google Mughal Tent, to the British Airways Baithak and the Ford Samvad. It was really

hard to choose which of the 300 authors to go and see. Gokhale puts together the Indian list, and Dalrymple most of the foreigners. Used to events in the United States and United Kingdom, I found it very interesting and educational to see not just the South Asian writers I'd not heard of before, but also to identify the leading lights in Indian culture and media who were often moderating discussions between authors. Speakers, particularly those who have been flown in from outside of India, are required to do at least three to four events, two of which are typically participating in on-stage panels. A third might be moderating a discussion, and a final one might focus on one's own work or an interview on stage, rarely including a reading, however. I found this refreshing,

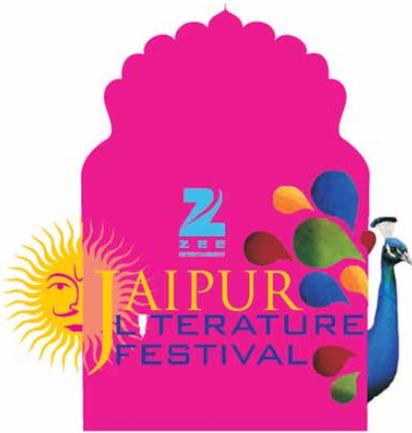
SAVE THE DATE FOR UPCOMING AAR PROGRAMS

TUESDAY, NOVEMBER 17TH | 5:45–7:00 PM

Data Systems to Make Your Agency Smarter, Faster, and More Organized.

With E3 The Rights Manager, Agents Expert Data System, BAITS, LAMP, and Bradbury Phillips. At the Society of Illustrators, 128 East 63rd Street (between Park and Lexington Avenues).

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as the event wasn't presented as an opportunity for publishers to hawk their authors' new books. Instead, the JLF was more about literature as a whole, and more focused on presenting readers with ideas and lively debate through on-stage conversations.

The events are fantastically wide-ranging and the authors are brilliantly drawn from areas as diverse as children's books, biography, science, politics, art history, classics, memoir, poetry, historical fiction, and narrative nonfiction, to name just a few. This year, Nobel laureate V. S. Naipaul was in attendance, celebrating the 50th anniversary of the publication of "A House for Mr. Biswas." There were huge crowds for the former president of India, Dr. A. P. J. Abdul Kalam. There were events featuring Charles Glass, Scott Anderson, and Kai Bird discussing the CIA; Finbarr Barry Flood and Tom Holland speaking on the end of antiquity and the rise of monotheism; Jung Chang, Ma Jian, and Anchee Min on the theme of cultural revolutions; Paul Theroux, Samanth Subramanian, and others on travel writing; Lauren Child on the "Clarice Bean" and "Charlie and Lola" series; Indian art historian B. N. Goswamy on a panel discussing

the courtly arts of Rajasthan; and even sessions on Nordic noir, and comics.

There is a lively scene for "delegates" – authors, publishing folks, and press – in sponsored food-and-drink tents in one of the corners of the Diggi Palace gardens. The Authors' Lounge – to which they would retreat between events – was sponsored by Glenlivet, and appropriately only served whiskey, tea, and cookies. Rajasthan is a dry state and I was told that on years where the literature festival falls on days of a religious festival, a drink can be hard to find.

There were receptions in the evenings at Hotel Clarks Amer, slightly on the edge of town, accompanying some incredible musical performances. An excellent music festival runs alongside the literary festival, giving the whole few days even more of a feeling of cultural and regional celebration. One night, we went to hear an extraordinary Sufi wandering bard called Sain Zahoor Ahmad, a leading musician from Pakistan now in his late 70s, who performed a style of Islamic poetic music which is very unpopular with the Taliban.

The general atmosphere at the Jaipur Literature Festival is very democratic and inclusive, with lots of young students, a schedule which appeals to all ages, many locals as well as visitors from all over the country, plus a few foreigners. It didn't feel too publishing-y; the festival felt similar in vibe to the Edinburgh Book Festival or Brooklyn Book Festival. It was great to meet some Indian editors and agents: Chiki Sarkar, who runs Penguin Random House India, hosted a dinner for PRH authors on the Thursday night, and Catherine

Eccles of Anne Louise Fisher Associates was at the festival this year. There were a handful of UK and European editors, including some, like Ravi Mirchandani (from Picador) and Ian Jack (formerly of Granta), who come every year, and one or two agents. But visitors like me were definitely in the minority, which is as it should be. There was a large contingent of press, too, including the books editor of *The Guardian*, and several members of the *Financial Times*' Asia team, congregating over chai.

The books tent was chaotic and largely taken over this year by the launch of Amazon India, which were trying to sell Kindle devices, so book signings weren't in your face, if they were there at all. Penguin Random House India had a tent where they were selling various Penguin merchandise – including orange-and-white mugs – and handing out free galley proofs.

In his introduction to the chunky, 250-page program to the festival, co-director William Dalrymple pointed out that Time Out last year described JLF as "the Woodstock, Live8 and Ibiza of world literature, with an ambience that can best be described as James Joyce meets *Monsoon Wedding*."

The Jaipur Literature Festival is indeed a feast, and I would definitely go back. The clients I represent who were participating in the festival enjoyed it immensely and not least because they working together to talk about books to giant audiences of avid readers.

And I have to mention the chai at the back of the Rajnigandha Front Lawns tent, as it was sweet, spicy, and oh so good.

PUBLISHER-NEUTRAL WEBSITES CREATE MORE OPPORTUNITIES FOR ENGAGEMENT

BY ANNE EDELSTEIN

TWO AAR-SPONSORED panels at BEA drew much attention – from agents and non-agents alike.

The first, *Word-of-Mouth Gone Digital!: Building New Online Communities of Readers*, moderated by AAR Board Member Ginger Clark, presented ways in which publishers have been experimenting with and investing

in a range of new methods to promote authors, including developing apps, launching websites, and building algorithms. And perhaps as significantly, the panel discussed ways in which author “discoverability” is increasing as a result of efforts by “publisher-neutral” communities, often organized around specific

genres, such as romance and sci-fi/fantasy. Panelists Rachel Fershleiser of Tumblr, Ashleigh Gardner of Wattpad, Emily Hughes of Suvudu Universe, and Heather Waters of Macmillan and Heroes and Heartbreakers presented a range of ways in which authors can form platforms.

Rachel Fershleiser, who works in publisher outreach at Tumblr (she was previously community manager at Bookish, and director of public programs at Housing Works Bookstore Café, where she now serves on the board of directors; is the co-creator of the “Six-Word Memoir” series, including the *New York Times* best-selling “Not Quite What I Was Planning” (Harper, 2008); and is also known for her soup zine *Stock Tips* and her TEDx talk *Why I <3 the Bookternet*), was both passionate and encouraging about potential ways to create exposure for authors. The emphasis, she said, is on finding the “small community” that shares a particular interest, and then talking about that common interest, rather than “Who do you know? Or who do we know in common?” Even if you have no social media presence at all, she said, you can go on Tumblr and set up a profile.

Tumblr has a number of communities, which can veer toward literary fiction, hipster fiction, and works of feminism. Fershleiser emphasized that Tumblr is not a “mono-culture,” and certainly not only a visual medium. But, she said, there are areas of interest that typically don’t turn up on Tumblr.

“I would love every author to be on Tumblr,” she said, but she acknowledged that, realistically, a book on military history is less likely

COMMITTEE REPORT: ROYALTIES

Members of the Royalties Committee are continuing to work with HarperCollins on their new online portal which went live in April. After the first ACH notifications were received, we gave feedback to the director of royalties. Going forward, Harper’s ACH notifications will include the title of the book for which the payment is being made. We met with Macmillan to discuss improvements to their royalty statements, and to inquire about payments by ACH deposit and about plans to make statements available online through a portal. We sent an alert to members notifying them that ACH deposits are available for advances and royalty payments from Macmillan. Let us know if you need the link to Macmillan’s direct deposit enrollment form.

The Committee continues to press Amazon for better reporting for both A Pub and KDP and has had several meetings to advance the cause.

We met with Scholastic to discuss their statements and payment procedures as well. We identified the kinds of additional information agents would find useful on royalty statements and on check stubs and e-mail notifications for agents enrolled in ACH direct deposit. They are in the process of developing an online portal. You should see improvements on Scholastic statements and ACH notifications shortly.

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tumblr.

to be topical than a work of fantasy.

When it comes to thinking about book promotion, Fershleiser said that entries are by no means limited to those made by the author, but are often made by the publisher, publicist, and, of course, by readers of other books. Social media and building a platform, she stresses, is a long game. As for how to best play that, she advised that all authors have a website, but to spend their time reaching out to readers on the platforms currently available.

Ashleigh Gardner is head of content for Wattpad, a global social platform for authors and readers to connect and share stories. She has spent her career working at the intersection of literature and technology, her experience including working as director of content management at Kobo Inc., and manager of digital development for Dundurn Press. Wattpad now has 40 million users, and is growing fast, with users typically in the age range of 18 to 30. Like Tumblr, Wattpad is about community.

“It’s a huge and vibrant literary community,” said Gardner, stating that Wattpad includes YA and fan fiction. This is a place where writers can come to write, and they often contribute work chapter by chapter.

“Writers are the rock stars of our platform,” she said. “It’s a place to bring readers in earlier in the process...before the book is published.”

Gardner applauded Wattpad as useful for the publisher down the road, too. It is a starting place for authors who “create a lot of buzz

beyond Wattpad.”

Emily Hughes, an editor for Suvudu Universe, the fantasy and science fiction website based at Penguin Random House, said that they reach 150,000 to 200,000 monthly users and that most users of this publisher-neutral community are between the ages of 18 and 34.

Heather Waters is also involved in a publisher-neutral website, HeroesandHeartbreakers.com, which she helped to launch at Macmillan in 2011. Since then, under Waters’ management, the website has grown to be one of the top online romance-genre communities.

In answer to the question of why Random House and Macmillan began these websites, both Waters and Hughes agreed the intent is to draw readers into a particular genre. In order to be most effective in reaching these communities, they said it’s essential that their purpose be “publisher-neutral.”

“If you’re an agnostic in terms of the publisher, they’ll trust you more,” said Hughes.

She said that while Suvudu may have begun as “slightly more Random House-specific, they’ve grown to include all equally.”

Waters agreed: “It’s all about exposure; letting readers discover is more of the goal than direct sales.”

But sales certainly evolve from the community exposure.

“It’s a chance for a debut author to talk in a way that he can connect with his community,” Hughes said. “Wow, I know nothing about this guy, but I’m going out to buy his book!” she said, describing a particularly successful match found on Suvudu. Waters agreed that Heroes and Heartbreakers is a place for conversation among bloggers, some of whom bring the conversation to other social media like Tumblr.

All of the panelists agreed on the importance of sharing a community. “It all comes back to relationships,” said Fershleiser. “People send me books they think I’m going to like, and then I talk about them.”

When asked whether these platforms replace the role of the



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publisher in promoting books, all agreed that the answer is no.

Hughes explained that rather than replace, they expand upon what the publisher is doing. “You can have a physical book tour, and also a blog tour, or a digital tour,” she said.

“You can have a physical book tour, and also have a successful Tumblr presence,” Fershleiser added.

Waters said that all of the platforms provide a place where readers and bloggers can find these books and talk about them, “not at the exclusion of other things,” she emphasized, “but in addition.”

A second panel, *Making the MAKE Book: Success Stories from Publishers*, featured four phenomenal bestsellers of this year – “The Girl on the Train,” “H Is for Hawk,” “All the Light We Cannot See,” and “Little Elliot, Big City” – all by debut or previously midlist authors who have broken out into resounding success stories. Publicists and marketers from each of the publishers who made these books happen were there to talk about their “secret formulas.”

Kate Watson, editor and associate marketing director at Scribner since 2005, who has worked closely with editor in chief Nan Graham on books by Ann Packer, Abigail Thomas, and others, as well as on her own list, which includes Megan Mayhew Bergman, Kristin Kimball, Tamar Adler, and Annie Lontas, was on stage to talk about the vast success of Anthony’s Doerr’s “All the Light We Cannot See.” Kate first encountered Anthony Doerr in 2004 when she was a bookseller in Ketchum, Idaho, when she was selling his first book “The Shell Collector,” the Barnes

& Noble Discover Great New Writers Award winner of 2002 with a hardcover first printing of 10,000 copies. While the author had certainly been appreciated for his early works, when it came to the vast success of “All the Light We Cannot See,” “no one had expected this,” according to Kate. A very important factor that served the book throughout was its “lovable author, who became a great

only hardcover novel published by Scribner that May, allowing full effort to be focused on it, and indeed was the #1 Indie Next List pick for that month. Then came ads in *The New Yorker* and *The New York Times Book Review*, great Father’s Day sales in June, a *New York Times* Best Book of the Year distinction in November; and by Christmas, sales had tripled. And then came the Pulitzer. As for the



THE NEW YORKER

The New York Times Book Review

advocate for his book.” Along with this, there was abundant support from the independent bookstores, and Barnes & Noble, who had championed the author since the award for “The Shell Collector” and continued to strongly support his work.

At Scribner, Doerr's publisher, editor Nan Graham loved "All The Light We Cannot See" from the start, deeming it to be "as Sophie's Choice was to William Styron." The cover went through many drafts and possibilities before the team decided upon the final version, and the booksellers responded positively--in the way Scribner hoped they would. Scribner hosted a media lunch, which established great buzz, followed by more buzz by booksellers when Doerr attended Winter Institute, after which Scribner printed 750 additional galleys. The book gained great momentum on *Shelf Awareness*. It was the

key ingredient, “it was the *book* that made the book,” said Kate.

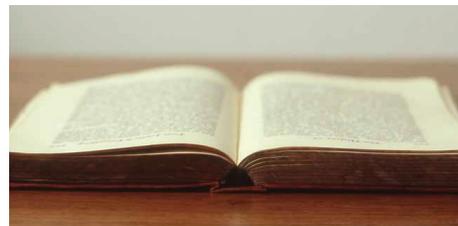
John Mark Boling, a senior publicist at Grove/Atlantic – publisher of a list of award-winning and best-selling writers that includes Sherman Alexie, Roxane Gay, Rabih Alameddine, and Will Self – handled the publicity campaign for the runaway bestseller “H Is for Hawk” by Helen Macdonald. Prior to working at Grove/Atlantic, John spent time at Continuum, The Overlook Press, and Harcourt Trade Publishers. The reason for the great success of this “UK book about falconry and grief,” as John describes it, “starts with a great book and a great author.” Not that there weren’t some doubts along the way: “Was it too English? Is falconry too niche? Is the format too unconventional?” What they did know from the start, however, was that “this is a smart and beautiful writer.” Grove made some minimal changes to

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the already beautiful UK jacket (published in the UK in July 2014). But then more changes came, as they kept on adding medallions to the cover, even before publication in March 2015. First there was the Samuel Johnson Prize, the UK's most prestigious award for nonfiction. With this, and the first serial sale to *Vogue*, there was pressure to publish before the Christmas holiday sales, but they held out for their original March 3rd, 2015 date. And meanwhile, the book won the Costa Book of the Year distinction in the UK, this prize "more populist" than the Samuel Johnson, garnering another medallion for the cover. On February 22nd, there was a cover review in *The New York Times Book Review*, followed soon after by the positively glowing and lengthy essay in *The New Yorker*. By March 8th, the book was #8 on *The New York Times* Best Seller list, another achievement to add to the cover of the book. In March, it seemed that there was a contest between reviewers, "to see who could write the most beautiful review," said John, the proud publicist. And then in April, Macdonald, who had previously been promoting her paperback in the UK, arrived in the US and spent ten passionate days of touring, concentrating especially on visits to the independent bookstores. Again, it was a matter of a great book, and a great author.

Allison Verost, vice president of publicity at Macmillan Children's Publishing Group, where she manages a team of six publicists, their titles ranging from board books to YA, was proud to present the success of "Little Elliot, Big City," written and illustrated by

Mike Curato and published in August 2014. Allison has designed and implemented strategic publicity campaigns for best-selling authors, titles, and series, including "The Lunar Chronicles" by Marissa Meyer, "The Grisha Trilogy" by Leigh Bardugo, "From the Notebooks of a Middle School Princess" by Meg Cabot, and "Bear Has a Story to Tell" by Philip C. and Erin E. Stead, as well as Macmillan's Fierce Reads program. Prior to joining Macmillan, she held positions at HarperCollins Children's Books and Penguin Young Readers Group. As was the case with the other "make books," "everyone fell madly in love" with the book when it was submitted, Allison said, and Macmillan preempted in a three-book deal.



The key pieces, Allison said, were the "word of mouth," and also that the author is "a charmer." The book was a "tastemaker," sent to librarians, with the author sent on a "whistle stop tour," meeting booksellers and librarians throughout the country, all of whom connected with him. The next step was to connect with the readers, which, in this case, meant an audience of both kids and their parents; for this, Macmillan set up a "storytime tour" at bookstores, which always included cupcakes. In this spirit, there was also a very successful book launch at Books of Wonder. *Publishers Weekly* gave the book a starred review, and deemed Little Elliot to be "The Next Big

Major Character," and *The New York Times* also reviewed the book glowingly. To keep the momentum going, Macmillan sent Mike Curato on the road again in the spring.

Finally, perhaps the biggest "make book" of the year was "The Girl on the Train." It was presented by Jynne Dilling Martin, associate publisher and director of publicity at Riverhead Books. Martin has worked with bestsellers and luminaries including Junot Diaz, Sarah Waters, Khaled Hosseini, Meg Wolitzer, and Chang-Rae Lee. Martin had previously worked at Random House, Simon & Schuster, and St. Martin's Press. Her own nonfiction has appeared in *Glamour*, *Slate*, and *Food & Wine*, and her poetry has been published in *Granta*, *The Believer*, and *The New York Review of Books*; most recently she published her first book of poetry, "We Mammals in Hospitable Times." "The Girl on the Train," which is at the more commercial end of Riverhead's list, benefited from the start from the large staff that services a relatively small list, and from their inclination to be both traditional and innovative in their publicity and marketing approach. This basically means, "try everything!" said Martin. Acquired from Transworld in the UK, the words, "this could be bigger than 'Gone Girl'" echoed for this book from the outset. It was "the read itself" that was key, "not necessarily the author," Jynne said. The cover may have benefited from Riverhead's natural inclination toward the more literary, possibly giving it a more sophisticated feel than most commercial books. With the imaginative cover that looks like a train window ("You'll never look out a train window in the same

CONTINUED ON PAGE 9

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way again,” according to Jynne), they created a beautiful galley, and got out 4,000 of them nine months ahead of publication. They’d send a dozen galleys at a time to places like *People* magazine, and send cupcakes to go along with them, the idea being, “Have a party, and enjoy!” They offered giveaways on Goodreads and on *Shelf Awareness*. The book became an Indie Next List pick, and was also taken in large quantities by Target and Amazon; it was reviewed by 20 magazines and NPR. In December, ads were placed on Goodreads,

and each time an ad appeared, the book would immediately skyrocket, according to Jynne. “20,000 people had the book on their ‘to-read shelf,’ and it was still two weeks before being out.” And with that, it went viral.

Immediately it was #1 on the Combined Print & E-Book list, where it stayed for 14 weeks, an all-time record. Riverhead continued its huge advertising and sales campaign, and accumulated celebrity fans Stephen King, Reese Witherspoon, Jennifer Aniston, and Martha Stewart. At two million

copies sold two months after the on-sale date, sales were historically phenomenal, second only to “The Da Vinci Code.”

The campaigns of all four of these “make books” varied in part with the publisher and in part with the nature of the book. All panelists concurred that the impact of the cover is a crucial component in expressing just how distinctive the book is, because in all cases, it’s in “the book” where the whole thing starts, and from there, as Jynne put it, “all of the pieces have to work.”

APPEALS COURT REDEFINES WHEN INTERNS MUST BE PAID

BY KEN NORWICK, AAR GENERAL COUNSEL

MANY LITERARY AGENCIES, like other businesses, engage unpaid interns to work with them. Within the last few years, numerous cases have been filed by interns claiming that those companies violate federal and state labor laws because, they allege, they were really “employees” who must be paid at least the applicable minimum wage, along with overtime, etc. In response, the companies using the interns – which include major media firms like Condé Nast – claimed

that the interns are not (for legal purposes) employees and thus not protected by those requirements. Until recently, at least in the New York courts, there was no clear understanding as to how the intern/employee issue should be addressed, with the lower courts using different approaches and with some courts finding that the interns were employees and others finding the opposite.

But on July 2nd, 2015, the US Court of Appeals sitting in New York rendered a major decision that set forth the new applicable legal test that should be used in the future to resolve the issue. Many commentators believe that new test is more favorable to the companies than the tests previously used by many lower courts. However, it must be emphasized that there is

still no definitive yes-or-no answer to the underlying issue and that interns will continue to press their claims under the new test.

For the guidance of the agencies that use unpaid interns, I will set forth below the new test that courts must now use to resolve those cases. Unlike with lower federal courts, which must apply this new test, the new ruling is not directly binding on state courts, though it will likely be followed by those courts if only to be consistent with the federal courts. The appeals court first declared:

[T]he proper question is whether the intern or the employer is the primary beneficiary of the relationship. The primary beneficiary test has two salient features. First, it focuses on what the intern receives in exchange for his work.... Second, it also accords courts the flexibility to examine the economic reality as it exists between the intern and the employer.



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Although the flexibility of the primary beneficiary test is primarily a virtue, this virtue is not unalloyed.

To give meaning to this “primary beneficiary” test, the Court then provided a list of seven “considerations” that should be addressed. To quote the court:

In the context of unpaid internships, we think a non-exhaustive set of considerations should include:

1. *The extent to which the intern and the employer clearly understand that there is no expectation of compensation. Any promise of compensation, express or implied, suggests that the intern is an employee – and vice versa.*

2. *The extent to which the internship provides training that would be similar to that which would be given in an educational environment, including the clinical and other hands-on training provided by educational institutions.*

3. *The extent to which the internship is tied to the intern’s formal education program by integrated coursework or the receipt of academic credit.*

4. *The extent to which the internship accommodates the intern’s academic commitments by corresponding to the academic calendar.*

5. *The extent to which the internship’s duration is limited to the period in which the internship provides the intern with beneficial learning.*

COMMITTEE REPORT: INTERNATIONAL

After a summer “break” – no meetings in July or August, but plenty of discussion by e-mail and even phone – the International Committee held its first meeting of the fall on September 9th. Following a late April meeting in New York with representatives of the London Book Fair to share feedback, we continued throughout the summer to liaise with the LBF representatives about layout, registrations, scheduling, and communications for the International Rights Centre, and work on implementation of the raffle for a paid trip to LBF 2016 for an eligible AAR member. Along with our UK counterparts in the AAA, we’ll be addressing some recent concerns raised about fees and registration procedures for the Frankfurt Book Fair’s Literary Agents and Scouts Centre. Later this month we will have our second joint meeting with the AAP’s International Sales Committee, to hear reports from their representatives on various territories and discuss trends and changes in distribution, production, and overseas markets for English-language titles. The Committee is planning an upcoming joint meeting with the Royalty Committee to discuss shared concerns. We continue to keep up on changes in subagents, most notably recent new alliances in Italy and in Poland. At the invitation of the Board of Directors of the AAR, we recently reviewed and discussed the PEN campaign to address censorship in publishing in Mainland China. Finally, we’ll be updating the foreign tax exemption chart this fall for the AAR members-only section of the website.

6. *The extent to which the intern’s work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern.*

7. *The extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.*

And then, perhaps making the exercise even less definitive, the court stated:

Applying these considerations requires weighing and balancing all of the circumstances. No one factor is dispositive and every factor need not point in the same direction for the court to conclude that the intern is not an employee entitled to the minimum wage. In addition, the factors we specify are non-exhaustive – courts may consider relevant evidence beyond the specified factors in appropriate cases.

And then, the court added:

The approach we adopt also reflects

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a central feature of the modern internship – the relationship between the internship and the intern’s formal education. The purpose of a bona-fide internship is to integrate classroom learning with practical skill development in a real-world setting, and, unlike the brakemen [in a 1947 Supreme Court case involving a railroad’s training program], all of the plaintiffs [in the pending case] were enrolled in or had recently completed a formal course of post-secondary education. By focusing on the educational aspects of the internship, our approach better reflects the role of internships in today’s economy than the [Department of Labor’s] factors, which were derived from a 68-year-old Supreme Court decision that dealt with a single training course offered to prospective railroad brakemen. In sum, we agree with the defendants that the proper question is whether the intern or the employer is the primary beneficiary of the relationship, and we propose the above list of non-exhaustive factors to aid courts in answering that question.

Although every future case will depend on its unique facts, it seems reasonable to conclude that the more the internship has an “educational” nexus, the less likely it will be that the interns will be found to be employees. In any event, as a result of all this litigation many companies have decided to discontinue their internship programs entirely, while others have decided to pay their interns. We will report further legal developments as they occur.

NEW MEMBERS

RICHARD CURTIS

Richard Curtis Associates, Inc.

www.curtisagency.com

Richard Curtis is president of Richard Curtis Associates, Inc., a leading New York literary agency. He is a well-known author advocate and is himself author of numerous works of fiction and nonfiction, including several books about the publishing industry. He has lectured extensively and conducted panels and seminars devoted to raising consciousness in the author and agent community about the future of communications. His interest in emerging media and technology has enabled him to anticipate trends in publishing and multimedia. Late in 1999 and some eight years before Amazon’s introduction of the Kindle, he founded E-Reads, the first independent e-book publisher. In the 15 years of its existence, it reissued in e-book format more than 1,200 novels by leading authors in science fiction and other popular genres. The company was acquired by Open Road Media in 2014. Richard Curtis is married to author Leslie Tonner, who is also a partner in his agency. They reside in Manhattan.

ELIZABETH EVANS

Jean V. Naggar Literary Agency, Inc.

www.jvnla.com

Elizabeth Evans joined JVNLA in 2010; previously, she was an agent with Kimberley Cameron & Associates, where she started

as an intern while finishing her MFA in writing at the University of San Francisco. She represents a wide range of nonfiction, both narrative and prescriptive, and enjoys pop culture and a good laugh just as much as sinking



her teeth into a challenging big-think book. Her clients include Ella Frances Sanders, Torre DeRoche, Doug Mack, and Mari Ruti. Elizabeth graduated from Hamilton College with a degree in English literature. She has lived on the West Coast, the East Coast, and in between; and her love of nonfiction is driven by a passion for travel and desire to learn as much as possible about the world and people around her. She tweets under @EmEvans11.

EVAN GREGORY

The Ethan Ellenberg

Literary Agency

www.ethanellenberg.com

Evan Gregory joined The Ethan Ellenberg Literary Agency in 2008 as an assistant, but was soon promoted to associate agent and subsidiary rights coordinator for the agency. In 2014, he was promoted to agent, then again to senior agent in 2015. In addition to his success with subsidiary rights sales on behalf

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of agency clients such as John Scalzi, MaryJanice Davidson, and G.A. Aiken, he has cultivated an eclectic list of clients in science fiction, fantasy, young adult, mystery, children's and nonfiction, which includes Marko Kloos, Patty Blount, Ferrett Steinmetz, Thoraiya Dyer, and Travis Langley. You can find him on Twitter @EvanJGregory.

LIZA FLEISSIG

Liza Royce Agency, LLC
www.lizaroyce.com

Liza Fleissig, with her partner Ginger Harris-Dontzin, opened the Liza Royce Agency (LRA) in early 2011. A graduate of the University of Pennsylvania's Wharton School of Business with a BSE in finance, and the Benjamin N. Cardozo School of Law with a JD, Liza brings 20 years of litigation and negotiating

experience to the profession, and handles everything from picture books through adults works. LRA clients are mostly by referral, and consist of both established authors and writers in the earlier stages of their development. Although she leans towards suspense/thriller, commercial women's fiction, and comedy, Liza is open to anything that speaks to her, including historical fiction, true crime, and memoir. On the children's side of publishing, being a mother to an elementary-school girl and a teenage boy, she is interested in anything that sparks a child's imagination and gets her reading. It also bears mention that LRA handles works on all subsidiary levels, a good example of which is their movie deal with Idris Elba's production company for the development of Marc Olden's "Poe Must Die" into an international feature film trilogy.

LANE HEYMONT

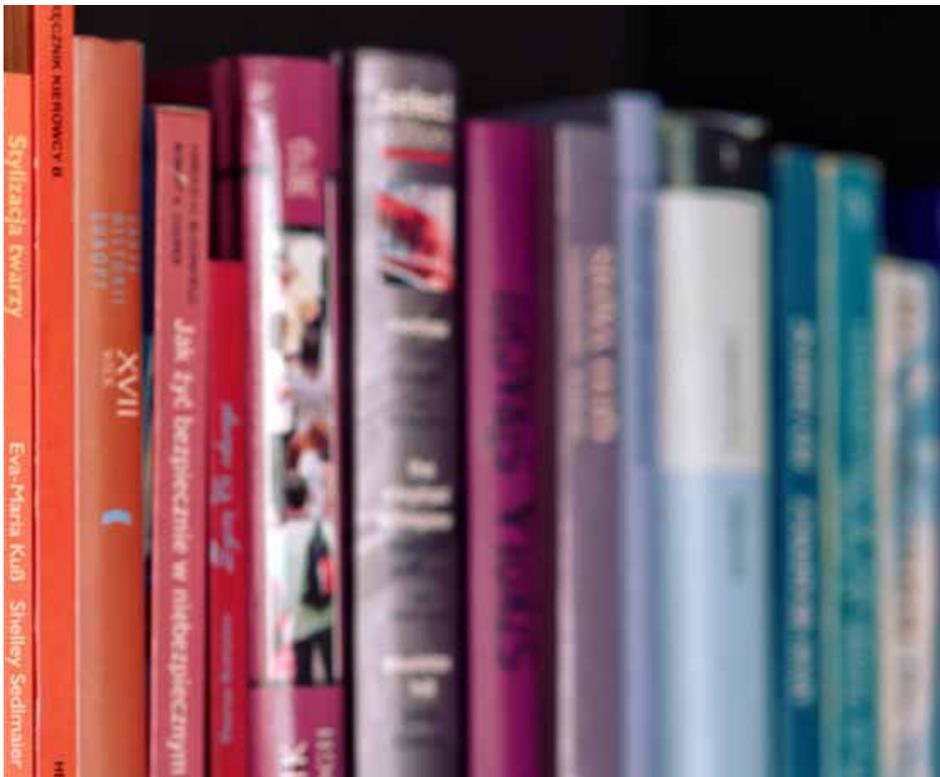
The Seymour Agency
www.theseymouragency.com

Lane Heymont joined The Seymour Agency as a literary assistant in 2012, working through slush piles and leading marketing efforts. He was promoted to junior agent in December 2014. With a bachelor's degree in psychology, business, and literature, Lane continued his education in creative writing and English, attending Harvard. He is hungry for well-written science fiction and fantasy novels. Exceptional world-building is a must. In nonfiction, he is looking for unique memoirs, World War II journeys, and anything scientific. You can find him on Twitter under @LaneHeymont.

LUCAS HUNT

Orchard Literary
www.orchardstrategies.com/literary

Lucas Hunt studied English and journalism at the University of Iowa, wrote for *The Daily Iowan* newspaper, and attended the Poetry Writers' Workshop. He received an MFA from Southampton College, published two volumes of poetry, won a John Steinbeck Award, and founded Hunt & Light. Prior to becoming agency director at Orchard Literary, Hunt was a rights manager and agent at the Philip G. Spitzer Literary Agency. He cultivated the careers of best-selling authors Michael Connelly, James Lee Burke, Andre Dubus III, and Simon Van Booy. Hunt



CONTINUED FROM PAGE 12

actively sought and closed major deals in print, audio, digital, and foreign markets. He is interested in literary and international fiction, travel memoir, music, and spirituality, along with creative and authoritative works of nonfiction. Hunt's writing has appeared in *The New York Times*, *The East Hampton Star*, *Fiction Writers Review*, *Slice*, and *Clarion*, among others. Hunt was born in rural Iowa, and is the author of "Lives" (Vagabond Press, 2006), "Light on the Concrete" (The North Sea Press, 2011), and "The Muse Demanded Lyrics" (Pen & Anvil Press, 2016). He is also a professional live auctioneer.

FIONA KENSHOLE

Transatlantic Agency
www.transatlanticagency.com

Fiona has been a literary agent for two years, specializing in children's and YA. Previously, she ran acquisitions at Laika Entertainment, LLC, developing Academy Award-nominated movies such as *The Boxtrolls*. She has 20 years of publishing experience in the UK as publishing director for children's books at Oxford University Press, Hodder & Stoughton (Hachette

Group), and HarperCollins; and events coordinator at the Oxford Literary Festival. She has taught publishing at Portland State University and Oxford Brookes University, and lectures internationally on writing and publishing. She is based in Portland, Oregon, and in addition to children's and YA, she is looking to add food writers to her list.

ANNA OLSWANGER
Olswanger Literary LLC
www.olswanger.com

Anna Olswanger is a native of Memphis with a BA from Rhodes College in communication arts and an MA from the University of Memphis in creative writing. She completed the Summer Publishing Institute certificate program at New York University, then worked for Liza Dawson Associates for nine years before opening Olswanger Literary in 2014. Although she represents a wide range of genres, she tends to focus on illustrated books, especially for children. Her clients have won the Newbery Honor, Flora Stieglitz Straus Award for nonfiction, PEN/Steven Kroll Award for picture book writing,

Bank Street College of Education Best Children's Books of the Year mention, Orbis Pictus Award Honor, Sibert Award Honor, Ezra Jack Keats Book Award Honor, and Asian/Pacific American Award for Literature Honor; and been on *The New York Times* Best Seller list. Anna is the author of the children's books "Shlemiel Crooks" (NewSouth Books, 2005), which the Kaufman Music Center adapted into a family musical, and "Greenhorn" (NewSouth Books, 2012), which became an award-winning independent short film.

MARY SOUTH

Lowenstein Associates Inc.
www.lowensteinassociates.com

Mary South is an agent and foreign rights manager at Lowenstein Associates Inc. She received her BA in English, with honors, from Northwestern University and an MFA in fiction from Columbia University. Previously, she has worked for Penguin Random House, *The New Yorker*, Google, and McGraw-Hill. She is interested in literary fiction, narrative nonfiction, memoir, and journalism. You can follow her on Twitter at @MarySouth.

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The Pitch was put together by Noah Ballard of Curtis Brown, Ltd., Jody Kahn of Brandt & Hochman and Cynthia Cannell of The Cynthia Cannell Literary Agency. Copy-editing was provided by Rayhané Sanders of Lippincott Massie McQuilkin, and the design was done by Rachel Loeb.

AAR CANON OF ETHICS

WE THINK IT'S a good idea to be reminded of our mission as agents, the professionalism we want to model, and the standards we uphold as members of the AAR. Each year, our members reaffirm their commitment to our canon of ethics, as follows:

The members of the Association of Authors' Representatives, Inc. are committed to the highest standard of conduct in the performance of their professional activities. While affirming the necessity and desirability of maintaining their full individuality and freedom of action, the members pledge themselves to loyal service to their clients' business and artistic needs, and will allow no conflicts of interest that would interfere with such service. They pledge their support to the Association itself and to the principles of honorable coexistence, directness, and honesty in their relationships with their co-members. They undertake never to mislead, deceive, dupe, defraud, or victimize their clients, other members of the Association, the general public, or any person with whom they do business as a member of the Association.

Members shall take responsible measures to protect the security and integrity of clients' funds. Members must maintain separate bank accounts for money due their clients so that there is no co-mingling of clients' and members' funds.

Members shall deposit funds received on behalf of clients promptly upon receipt, and shall make payment of domestic earnings

due clients promptly, but in no event later than ten business days after clearance; provided, however, that if funds for a client are received more frequently than quarterly and if those funds do not exceed a total of \$100, then payments to clients may be made quarterly, so long as when funds received exceed \$100 or upon the client's specific request, payment to the client shall be made within ten days thereafter.

Revenues from foreign rights over \$50 shall be paid to clients within ten business days after clearance. Sums under \$50 shall be paid within a reasonable time of clearance. However, on stock and similar rights, statements of royalties and payments shall be made not later than the month following the member's receipt, each statement and payment to cover all royalties received to the 25th day of the previous calendar month. Payments for amateur rights shall be made not less frequently than every six months.

A member's books of account must be open to the client at all times with respect to transactions concerning the client.

If a member receives in writing a claim to funds otherwise due a client, the member shall immediately so advise the client in writing. If the member determines that the claim is serious, and that the funds should not be remitted to the client because of the claim, the member shall proceed in accordance with the following:

For a period not to exceed 90 days, the member may deposit the

funds in question into a segregated interest-bearing account pending possible resolution of the dispute. No later than the expiration of that 90-day period, if the dispute remains unresolved and the claimants do not otherwise agree with respect to the disposition of the disputed funds, the member shall take such steps as may be necessary to deposit the funds with a court of competent jurisdiction, with appropriate notice to the claimants, so that the claimants will have an opportunity to present to that court their claims to the funds. Upon so depositing the funds, the member will have complied with the member's obligations under this Canon of Ethics.

In addition to the compensation for agency services that is agreed upon between a member and a client, a member may, subject to the approval of the client, pass along charges incurred by the member on the client's behalf, such as copyright fees, manuscript retyping, photocopies, copies of books for use in the sale of other rights, long-distance calls, special messenger fees, etc. Such charges shall be made only if the client has agreed to reimburse such expenses.

1. A member shall keep each client apprised of matters entrusted to the member and shall promptly furnish such information as the client may reasonably request.
2. Members shall not represent both buyer and seller in the same transaction. Except as provided in the next sentence, a member who represents a client in the grant of rights

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in any property owned or controlled by the client may not accept any compensation or other payment from the acquirer of such rights, including but not limited to so-called “packaging fees,” it being understood that the member’s compensation, if any, shall be derived solely from the client. Notwithstanding the foregoing, a member may accept (or participate in) a so-called “packaging fee” paid by an acquirer of television rights to a property owned or controlled by a client if the member:

a. fully discloses to the client at the earliest practical time the possibility that the member may be offered such a “packaging fee” which the member may choose to accept;

b. delivers to the clients at such time a copy of the Association’s statement regarding packaging and packaging fees; and

c. offers the client at such time the opportunity to arrange for other representation in the transaction.

In no event shall the member accept (or participate in) both a packaging fee and compensation from the client with respect to the transaction. For transactions subject to Writers Guild of America (WGA) jurisdiction, the regulations of the WGA shall take precedence over the requirements of this paragraph.

5. Members may not receive a secret profit in connection with any transaction involving a client. If such profit is received, the member must promptly pay over the entire amount to

the client. Members may not solicit or accept any payment or other thing of value in connection with their referral of any author to any third party for any purpose, provided that the foregoing does not apply to arrangements made with a third party in connection with the disposition of rights in the work of a client of the member.

6. Members shall treat their clients’ financial affairs as private and confidential, except for information customarily disclosed to interested parties as part of the process of placing rights, as required by law, or, if agreed with the client, for other purposes.
7. The AAR believes that the practice of literary agents charging clients or potential clients for reading and evaluating literary works (including outlines, proposals, and partial or complete manuscripts) is subject to serious abuse that reflects adversely on our profession. For that reason, members may not charge clients or potential clients for reading and evaluating literary works and may not benefit, directly or indirectly, from the charging for such services by any other person or entity. The term “charge” in the previous sentence includes any request for payment other than to cover the actual cost of returning materials.

Notwithstanding the foregoing, members who participate in conferences or other events where writers are charged separately for individual consultations with agents in

which the writer’s work is read or evaluated may provide such consultations. The AAR believes that the potential for abuse presented by the practice of charging reading fees in such circumstances is mitigated by the fact that the agent is acting within the context of an independent writers’ conference. Moreover, the concern that such participation would reflect adversely on our profession is outweighed by the potential benefit of such participation to writers, a benefit that cannot be duplicated in another manner.

It shall not be a violation of this Paragraph 8 if a member provides an evaluation of a nonclient’s material if:

a. any payment therefor is made directly to a charity qualified under Section 501(c)(3) of the Internal Revenue Code or to an established educational institution;

b. the member shall personally create the evaluation and provide it within a reasonable time;

c. the member does not in any way benefit financially from the activity; and

d. the member conducts the activity in an honorable way fully consistent with the AAR Canon of Ethics.

The provisions of the previous two paragraphs of this Paragraph 8 do not in any way dilute the AAR’s belief that literary agents should not charge clients and potential clients for reading and evaluating literary works in the ordinary course of business.

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